

E-FILING

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OAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

JUL 10 2008

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

LUIS ENRIQUE DEMETRIO MENDOZA
A/K/A DEMETRIO MENDOZA
A/K/A LUIS E. MENDOZA

Case Number:

HRL

(Name and Address of Defendant)

5 08 70425

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about August 15 and 16, 2007, in Santa Clara and Alameda County, in the NORTHERN District of CALIFORNIA defendant(s) did,

(Track Statutory Language of Offense)

Luis Enrique Demetrio Mendoza a/k/a Demetrio Mendoza a/k/a Luis E. Mendoza, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person during and in relation to a felony violation of 18 U.S.C. Sect. 1001(a)(3)

in violation of Title 18 United States Code, Section(s) 1028A(a)(1)

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See Attachment and Affidavit of Colleen Rowe, Exhibit 1 to Attachment

Approved as to Form:

Cynthia Stier
AUSA CYNTHIA STIER

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Printed Name of Complainant

Sworn to before me and signed in my presence,

Date

NANDOR VADAS

Name of Judge

Title of Judge

at

City

State

Signature of Judge

ATTACHMENT

COUNT ONE: (18 U.S.C. § 1028A)

On or about August 15, 2007 in the Northern District of California, the defendant

LUIS ENRIQUE DEMETRIO MENDOZA

a/k/a DEMETRIO MENDOZA

a/k/a LUIS E. MENDOZA

did knowingly possess and use, without lawful authority, a means of identification of another person during and in relation to a felony violation of Title 18, United States Code, Section 1001(a)(3), as alleged in the Affidavit of Colleen Rowe, attached hereto as Exhibit 1.

All in violation of Title 18, United States Code, Sections 1028A(a)(1).

COUNT TWO: (18 U.S.C. § 1028A)

On or about August 16, 2007 in the Northern District of California, the defendant

LUIS ENRIQUE DEMETRIO MENDOZA

a/k/a DEMETRIO MENDOZA

a/k/a LUIS E. MENDOZA

did knowingly possess and use, without lawful authority, a means of identification of another person during and in relation to a felony violation of Title 18, United States Code, Section 1001(a)(3), as alleged in the Affidavit of Colleen Rowe, attached hereto as Exhibit 1.

All in violation of Title 18, United States Code, Sections 1028A(a)(1).

COUNT THREE: (18 U.S.C. § 1028A)

On or about August 16, 2007 in the Northern District of California, the defendant

LUIS ENRIQUE DEMETRIO MENDOZA

a/k/a DEMETRIO MENDOZA

a/k/a LUIS E. MENDOZA

did knowingly possess and use, without lawful authority, a means of identification of

1 another person during and in relation to a felony violation of Title 18, United States Code,
2 Section 1001(a)(3), as alleged in the Affidavit of Colleen Rowe, attached hereto as
3 Exhibit 1.

4 All in violation of Title 18, United States Code, Sections 1028A(a)(1).
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**AFFIDAVIT OF COLLEEN ROWE IN
SUPPORT OF COMPLAINT FILED AGAINST
LUIS ENRIQUE DEMETRIO MENDOZA**

I, Colleen Rowe, Special Agent with the Internal Revenue Service, Criminal Investigation, being duly sworn, do hereby state the following:

I make this Affidavit in support of a Complaint filed against Luis Enrique Demetrio Mendoza (hereafter "Mendoza".)

There is probable cause to believe that Mendoza committed a criminal offense the United States, namely using fraudulent identity documents in violation of Title 18 USC 1028A.

BACKGROUND OF AFFIANT

I am a Special Agent with the Internal Revenue Service, Criminal Investigation ("IRS-CI") and have been so employed since September 2006. My duties and responsibilities include the investigation of possible criminal violations of the Internal Revenue laws (Title 26, United States Code), the Bank Secrecy Act, (Title 31, United States Code), the Money Laundering Control Act of 1986 (Title 18, United States Code, Sections 1956 and 1957), and related offenses.

In my position as Special Agent, I have conducted and assisted in several investigations involving financial crimes. I have personally conducted surveillance and have interviewed many witnesses and defendants who were involved in, or had knowledge of, violations of the Internal Revenue Code, the Bank Secrecy Act, and the Money Laundering Control Act. I have assisted in the planning, preparations, and execution of numerous search warrants over the last year and a half.

I earned a Bachelor's Degree in Business Administration from the University of Alaska Fairbanks in 2002. Before becoming employed as a Special Agent with IRS-CI I was employed as a Revenue Officer for the Internal Revenue Service for 3 years. I received six months of intensive training at the Federal Law Enforcement Training Center

EXHIBIT 1

Affidavit of Colleen Rowe in Support of
Complaint Against Luis Enrique
Demetrio Mendoza

1 in Glynnco, Georgia, to become a Special Agent. This training emphasized the
 2 investigation of criminal offenses under Title 26, 18, and 31 of the United States Code. I
 3 have also been trained in the criminal procedures related to searches, seizures, and arrests.

4 I am an Internal Revenue Service, Criminal Investigation Special Agent assigned to
 5 investigate violations of the Internal Revenue laws, the Bank Secrecy Act, the Money
 6 Laundering Control Act of 1986 and related offenses. I have held this position since
 7 ~~March 2002~~ September 2006. *CWR INTV*

8 FACTS IN SUPPORT OF COMPLAINT

9 Your affiant knows that in order to rent mailboxes at a private mailbox rental
 10 facility, the US Postal Service requires that a US Postal Form 1583 be completed for each
 11 box rented. The mailbox applicant is supposed to provide two forms of ID for each box
 12 rented.

13 Your affiant knows that the Postal Form 1583 also requires the individual renting the
 14 box to provide their name, address and phone number.

15 I have verified with the state of Texas that the Texas state Driver's License used by
 16 Mendoza as identification and to complete the Form 1583 to rent three mailboxes at (1)
 17 The Mailbox, 3542 Fruitvale Avenue, Oakland, CA; (2) Mailboxes & More, 1474
 18 University Ave., Berkley, CA; and (3) The UPS Store, 305 Vineyard Town Center,
 19 Morgan Hill, CA, is a fake and/or fraudulent driver's license.

20 On the US Postal Form 1583 just above the signature line is the following
 21 warning:

22 "Warning: The furnishing of false or misleading information on this form or
 23 omission of material information may result in criminal sanctions (including fines
 24 and imprisonment) and / or civil sanctions (including multiple damages and civil
 25 penalties)."

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28 Affidavit of Colleen Rowe in Support of
 Complaint Against Luis Enrique
 Demetrio Mendoza

Use of TX Driver's License #18273641

On 8/15/2007, Mendoza used a fraudulent Texas Driver's License to rent mailbox number 221 at 305 Vineyard Town Center, Morgan Hill, CA. The TX Driver's License #18273641 used by Mendoza listed a name of Wilfredo Perez but has a picture of the individual known to your affiant as Mendoza.

On the US Postal Form 1583 for box 221 at 305 Vineyard Town Center Morgan Hill, CA, Mendoza (AKA Perez) listed a physical address of 436 Keyes St San Jose, CA 95116. According to both Google Maps and Accurint database records, this address does not exist.

Mendoza (AKA Perez) listed a home phone number of 408-830-4287. A phone call to this number indicates that this phone number is not a valid phone number.

On 8/16/2007, Mendoza used a fraudulent Texas Driver's License to rent mailbox number 301 at 3542 Fruitvale Ave, Oakland, CA. The TX Driver's License used by Mendoza #18273641 listed the name "Wilfredo Perez" but has a picture of the individual known to your affiant as Luis Enrique Demetrio Mendoza. Mendoza rented the mailbox by completing US Postal Form 1583 on 8/16/2007.

On the US Postal Form 1583 for box 301 at 3542 Fruitvale Ave, Oakland, CA, Mendoza (AKA Perez) listed a physical address of 436 Keyes St San Jose, CA 95116. According to both Google Maps and Accurint database records, this address does not exist.

Mendoza (AKA Perez) listed a home phone number of 408-830-4287. A phone call to this number indicates that this phone number is not a valid phone number.

Also on 8/16/2007, Mendoza rented box number 138 at 1474 University Ave, Berkeley, CA using the same fraudulent TX Driver's License #18273641 with the name Wilfredo Perez.

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Affidavit of Colleen Rowe in Support of
Complaint Against Luis Enrique
Demetrio Mendoza